

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 4-10, and in the specification as originally filed, for example on page 17, lines 12-25. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-3, 8-11, 16-21, 26-29, 32-36, 39-44, 49-54 and 59 under 35 U.S.C. §103(a) as being unpatentable over Beckers (U.S. Pat. No. 5,019,974) is respectfully traversed and should be withdrawn.

The rejection of claims 4-7, 12-15, 22-25, 30, 31, 37, 38, 45-48, and 55-58 under 35 U.S.C. §103(a) as being unpatentable over Beckers (U.S. Pat. No. 5,019,974) in view of Reference U is respectfully traversed and should be withdrawn.

In contrast, claim 1 of the present invention provides a blood glucose monitoring system, comprising a blood glucose monitor for monitoring a blood glucose level and for producing digitally encoded blood glucose level signals representative of said blood glucose level, a portable microprocessor-based device that is

separate from the blood glucose monitor and includes 1) a video display for displaying information, the video display configured to display graphic and multi-line alphanumeric information, 2) a plurality of switches operable for interactively controlling the portable microprocessor-based device and for manipulating the information displayed on the video display, and 3) a circuit coupled to the plurality of switches for generating video signals in response to the operation of the switches. Claims 17, 28 and 40 include similar limitations. Beckers does not disclose or suggest a portable microprocessor-based device, as presently claimed.

Specifically, the blood glucose test strip reader 60 of Beckers is not separate from the recorder of Beckers (device in FIG. 1 of Beckers). In particular, FIG. 1 of Beckers shows the element 60 as part of the recorder. Also, the blood glucose test strip reader 60 of Beckers does not have a video display configured to display graphic and multi-line alphanumeric information. Beckers shows a display that appears to be capable of presenting only fixed symbols and a few numerals. Beckers does not teach or suggest a programmable microprocessor-based portable unit that is separate from the blood glucose monitor and includes 1) a video display for displaying information, the video display configured to display graphic and multi-line alphanumeric information, 2) a plurality of switches operable for interactively controlling the programmable microprocessor-based portable unit and for

manipulating the information displayed on the video display, and 3) a circuit coupled to the plurality of switches for generating video signals in response to the operation of the switches, as presently claimed. As such, the presently claimed invention is fully patentable over the cited reference and the rejections should be withdrawn.

Furthermore, the reliance on a case concerning a lipstick holder with a removable cap to support the Office's position that the recorder of Beckers could similarly be separate does not appear to be reasonable. The Office Action fails to provide any explanation why a person of ordinary skill in the art would consider the recorder of Beckers as being similar to the lipstick holder with a removable cap. No explanation is provided for why the recorder of Beckers must be removed to obtain access to the strip reader of Beckers. The motivation for modifying Beckers provided by the Office ("to provide a system for patients with diabetes to track the changes made in health due to changing age or daily routine") does not appear to necessitate that the recorder and reader parts of the device in FIG. 1 of Beckers be separate. No explanation is offered for why the device in FIG. 1 of Beckers does not already provide a system for patients with diabetes to track the changes made in health due to changing age or daily routine without the proposed modification. The mere fact that a reference can be combined or modified does not render the resultant

combination obvious unless the prior art also suggests the desirability of the combination (MPEP §2143.01(III)). Here, the Office appears to be using material that is only taught by the Applicant, against its teacher, which is not proper.

Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified or render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (MPEP §2143.01(V) and(VI)). Separating the recorder and test strip reader portions of the device of Beckers would prevent the automatic operation and storing of blood glucose measurements. Thus, separating the recorder and test strip reader portions of the device of Beckers would appear to make the prior art invention unsatisfactory for the intended purpose or change the principle of operation. Therefore, there does not appear to be a suggestion or motivation for making the proposed modification.

Claims 2-16, 18-27, 29-39 and 41-59 depend, directly or indirectly, from either claim 1, claim 17, claim 28 or claim 40 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

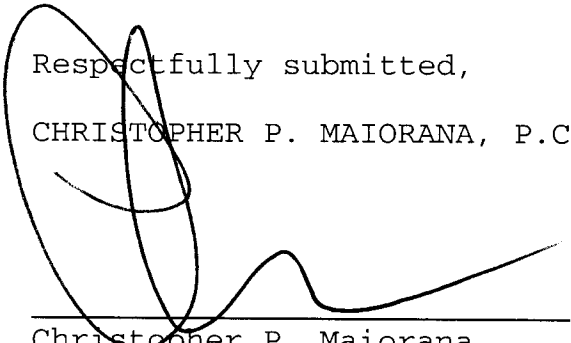
New claim 60 depends directly from claim 1 which is believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,
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